



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Baker et al. Docket No: 39780-2830P1C7
Serial No: 10/006,130 Group Art Unit: 1647
Filed: December 6, 2001 Examiner: Rachel B. Kapust
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC
ACIDS ENCODING THE SAME**

Commissioner for Patents
Washington, D.C. 20231

DECLARATION OF AUDREY GODDARD, Ph.D. UNDER 37 CFR 1.131

I, Audrey Goddard, Ph.D. do hereby declare and say as follows:


1. I am Senior Clinical Scientist at the Diagnostics, Development Sciences Department of Genentech, Inc., South San Francisco, CA 94080.
2. I am one of the inventors of the above-identified application.
3. I have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by U.S. Patent Publication No. 2003/0096951 (Jacobs *et al.*, publication date May 22, 2003 and effective filing date August 14, 1998).
4. I, along with other inventors of this application, conceived and reduced to practice the polypeptide designated as PRO1244 (SEQ ID NO:130) claimed in the above-identified application in the United States prior to August 14, 1998.
5. At the time the PRO1244 polypeptide was cloned and sequenced I was responsible for overseeing the sequencing of novel polypeptides, including the PRO1244 polypeptide (SEQ ID NO:130) claimed in the above-identified application.
6. A cDNA clone, referred to as DNA64883-1526 in the above-identified application, was identified as encoding the PRO1244 polypeptide.
7. The full length of the cDNA clone is shown in Figure 73 of the above-identified application. The full-length cDNA sequence has 2213 nucleotide residues. The full length of the PRO1244 peptide encoded by DNA64883-1526 is shown in Figure 74 of

the above-identified application. The full-length PRO1244 polypeptide has 335 amino acid residues.

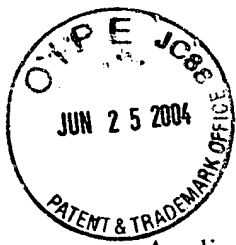
8. Copies of the pages from the GSeqEdit database which report the cloning and sequencing data for the PRO1244 polypeptide sequence and its encoding nucleic acid sequence are attached to this declaration (with the dates redacted) as Exhibit A.
9. The GSeqEdit report shows the full-length nucleic acid sequence for DNA-64883-1526 (identified as "DNA-64883") and the full-length PRO1244 polypeptide encoded by DNA 64883. Both the DNA-64883 and the PRO1244 polypeptide sequences were obtained prior to August 14, 1998.
10. The DNA-64883 sequence shown in the GSeqEdit report is identical to that of SEQ ID NO: 129 disclosed in the above-identified application.
11. The beginning of the cDNA sequence corresponding to SEQ ID NO: 129 in the above-identified application is shown on page 1 of the GSeqEdit database report and the location of the first nucleotide is marked with "insert starts here" and an arrow. The location of the last nucleotide corresponding to SEQ ID NO: 129 is shown on page 11 and is marked with an arrow.
12. The amino acid sequence shown in the GSeqEdit report is identical to that of SEQ ID NO: 130 disclosed in the above-identified application.
13. The first 26 amino acid residues of the PRO1244 polypeptide (SEQ ID NO:130) encoded by the cDNA (DNA-64883) are also shown on page 1 of the GSeqEdit report and the remaining 309 residues appear on pages 2-6 of the report.
14. Exhibit A clearly shows that both the full-length DNA-64883 sequence and the full-length PRO1244 polypeptide sequence disclosed in the above-identified application were obtained prior to August 14, 1998.
15. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001

of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.


Audrey Goddard


Date

SV 2037583 v1
6/15/04 3:02 PM (39780.2830)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Baker et al. Docket No: 39780-2830P1C7
Serial No: 10/006,130 Group Art Unit: 1647
Filed: December 6, 2001 Examiner: Rachel B. Kapust
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC
ACIDS ENCODING THE SAME**

Commissioner for Patents
Washington, D.C. 20231

DECLARATION OF WILLIAM WOOD, Ph.D. UNDER 37 CFR 1.131

I, William Wood, Ph.D. do hereby declare and say as follows:

1. I am Director and Staff Scientist at the Department of Bioinformatics, of Genentech, Inc., South San Francisco, CA 94080.
2. I am one of the inventors of the above-identified application.
3. I have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by U.S. Patent Publication No. 2003/0096951 (Jacobs *et al.*, publication date May 22, 2003 and effective filing date August 14, 1998).
4. I, along with other inventors of this application, conceived and reduced to practice the polypeptide designated as PRO1244 (SEQ ID NO:130) claimed in the above-identified application in the United States prior to August 14, 1998.
5. At the time the PRO1244 polypeptide was cloned and sequenced I was responsible for overseeing the cloning of cDNAs which encoded novel polypeptides, including the cDNA that encoded PRO1244 polypeptide (SEQ ID NO:130) claimed in the above-identified application.
6. A cDNA clone, referred to as DNA64883-1526 in the above-identified application, was identified as encoding the PRO1244 polypeptide.
7. The full length of the cDNA clone is shown in Figure 73 of the above-identified application. The full-length cDNA sequence has 2213 nucleotide residues. The full

length of the PRO1244 peptide encoded by DNA64883-1526 is shown in Figure 74 of the above-identified application. The full-length PRO1244 polypeptide has 335 amino acid residues.

8. Copies of the pages from the GSeqEdit database which report the cloning and sequencing data for the PRO1244 polypeptide sequence and its encoding nucleic acid sequence are attached to this declaration (with the dates redacted) as Exhibit A.
9. The GSeqEdit report shows the full-length nucleic acid sequence for DNA-64883-1526 (identified as "DNA-64883") and the full-length PRO1244 polypeptide encoded by DNA 64883. Both the DNA-64883 and the PRO1244 polypeptide sequences were obtained prior to August 14, 1998.
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13. The first 26 amino acid residues of the PRO1244 polypeptide (SEQ ID NO:130) encoded by the cDNA (DNA-64883) are also shown on page 1 of the GSeqEdit report and the remaining 309 residues appear on pages 2-6 of the report.
14. Exhibit A clearly shows that both the full-length DNA-64883 sequence and the full-length PRO1244 polypeptide sequence disclosed in the above-identified application were obtained prior to August 14, 1998.
15. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and

the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

William Wood
William Wood

6/14/04
Date

SV 2037583 v1
6/9/04 1:21 PM (39780.2830)

Exhibit A
to Declarations of Audrey Goddard and William Wood under 37 CFR 1.131
GSeqEdit Database Report


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mnII
alwNI[dcn-]
alw26I/bsmAI
101 CAGCCTCTGC CCAAAGAAAG AAGGAGATGG TGTATCTGA AAAGTTAGT CAGCTGATGG AATGGACTAA CAAAAGACCT GTAATAAGAA TGAATGGAGA
GTCGGAGACG GGTTCCTTTC TTCCTCTACC ACAATAGACT TTCCAATCA GTCGACTACC TTACCTGATT GTTTCTGGA CATTATTCTT ACTTACCTCT
27 A S A Q R K K E M V L S E K V S Q L M E W T N K R P V I R M N G D

bsaXI hpy188I mspAII/nspBII bsmAI
101 CAGCCTCTGC CCAAAGAAAG AAGGAGATGG TGTATCTGA AAAGTTAGT CAGCTGATGG AATGGACTAA CAAAAGACCT GTAATAAGAA TGAATGGAGA
GTCGGAGACG GGTTCCTTTC TTCCTCTACC ACAATAGACT TTCCAATCA GTCGACTACC TTACCTGATT GTTTCTGGA CATTATTCTT ACTTACCTCT
27 A S A Q R K K E M V L S E K V S Q L M E W T N K R P V I R M N G D

hpy99I tsp509I nlaIII
201 CAAGTTCCGT CGCCTTGTGA AAGCCCCACC GAGAAATTAC TCGTTATCG TCATGTTTAC TGCTCTCCAA CTGCATAGAC AGTGTGTCGT TTGCAAGCAA
GTTCAGGCA GCGGAACACT TTCGGGGTGG CTCCTTAATG AGGCAATAGC AGTACAAGTG ACGAGAGGTT GACGTATCTG TCACACAGCA AACGTTTCGTT
60 K F R R L V K A P P R N Y S V I V M F T A L Q L H R Q C V V C K Q

bst4CI/hpyCH4III cac8I
hpyCH4V tspRI hpyCH4V al
ahdI/eam1105I cac8I
201 CAAGTTCCGT CGCCTTGTGA AAGCCCCACC GAGAAATTAC TCGTTATCG TCATGTTTAC TGCTCTCCAA CTGCATAGAC AGTGTGTCGT TTGCAAGCAA
GTTCAGGCA GCGGAACACT TTCGGGGTGG CTCCTTAATG AGGCAATAGC AGTACAAGTG ACGAGAGGTT GACGTATCTG TCACACAGCA AACGTTTCGTT
60 K F R R L V K A P P R N Y S V I V M F T A L Q L H R Q C V V C K Q

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pspGI
mvaI
ecorII[dcm-]
dsaV[dcm-]
bstNI
bssKI[dcm-]
apyI[dcm+]
sau3AI
mboI/ndeII[dam-]
dpnII[dam-]
dpnI[dam+]
alwI[dam-]
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alw26I/bsmAI
tsp509I[M.ecoRI-]
ecoRI pflMI[dcm-]
apoI bslI[dcm-]
mboII hpy188III
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CGACTACTTC TTAAGGTCTA GGACCGTTTG AGGACCGGCTA TGAGGTCACG TAAGTGGTTG TCCTATATAAA AACGGTACCA CCTAAACTA CTTCCGAGAC
93 A D E E F Q I L A N S W R Y S S A F T N R I F F A M V D F D E G S D

scrFI[dcm-]
pspGI
mvaI
ecorII[dcm-]
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tsp509I[M.ecoRI-]
ecoRI pflMI[dcm-]
apoI bslI[dcm-]
mboII hpy188III
301 GCTGATGAAG AATTCAGAT COTGGCAAAC TCCTGGCGAT ACTCCAGTGC ATTACCAAC AGGATATTTT TTGCCATGCT GAAGGCTCTG
CGACTACTTC TTAAGGTCTA GGACCGTTTG AGGACCGGCTA TGAGGTCACG TAAGTGGTTG TCCTATATAAA AACGGTACCA CCTAAACTA CTTCCGAGAC
93 A D E E F Q I L A N S W R Y S S A F T N R I F F A M V D F D E G S D

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apoI           ecoNI
sfaNI          hpaIII   aluI
hpy188I        nlaIII   aluI
401 ATGTATTTCATGCTAAACATGAATTCAGCTCCAACCTTTCAATCAACTTTCTCTGCAAAAGGGAACCCCAAACGGGGTGATACATATGAGTTACAGGTGCG
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127 V F Q M L N M N S A P T F I N F P A K G K P K R G D T Y E L Q V R

ddeI[M.aluI-]
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celII/espl     hpall    mboI/ndeII[dam-]
blpI/bpull02I scrFI[M.hpall-]
aluI           nciI     dpnII[dam-]
pvuII          dsav     dpnI[dam+]
mspAll/nspBII  bssKI    alwI[dam-]
501 GGGTTTTCAGCTGAGCAGATTGCCCGGTGATCGCCGACAGAACTGATGTCATATTAGAGTGATTAGA CCCCCAAATTATGCTGGTCCCTTATGTTG
CCCCAAAAGTCGACTCGTCTAACGGGCCACCTAGCGGTGCTCTGACTACTAGTTATAATCTTCACTAATCTGGGGTTTAA TACGACCAGG GGAATACAAC
160 G F S A E Q I A R W I A D R T D V N I R V I R P P N Y A G P L M L

tsp509I        avall    bslI
tsp509I        fnu4HI/bsoFI
tseI           fnu4HI/bsoFI
fokI           bstF5I   bbvI
tsp509I        tru9I    mseI   bsrI   mwoI hpyCH4V
apoI           mspI
601 GGATGCTTTTGGCTGTTATGGGTGGACITGTGTATCTTCGAAGAAGTAAATATGAATTTCTCTTTAATAAACTGGATG GCTTTTGCA GCTTTGTGTT
CCTAACGAAAACCGACAATAACCACCTGAAACATAGAGCTTCTTCATTATACCTTAAAGAGAAATTTATTTGACCTAC CCGAAAACGT CGAAACACAA
193 G L L L A V I G G L V Y L R R S N M E F L F N K T G W A F A A L C F

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[illegible]

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 nlaIV
 avall
 tru9I ppuMI
 aluI hpy188I mseI eco0109I/draII
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 TACCGATGGG TATGTCGAAA GACTACTCAA TTTTTCAGG GTCTCTATAT ATCTGTGACC TCATGACCTT TAACTTTTTG CTTTATAGCAC ACACAAACTT
 327 G Y P Y S F L M S O

bsmI
 mboII hpyCH4V
 1101 AAGAGAATG CAACTGTAT ATTTGTATT ACCTCTTTT TTCAAGTGAT TTAATAGTT AATCATTTAA CCAAAGAGA TGTGTACTGC CTTAAACAAGC
 TTCTTCTTAC GTTGRACATA TAAACATAA TGGAGAAAAA AGTTCACTA AATTATCAA TTAGTAAAT GGTTCCTCT ACACATCAGG GAATGTGTCG

mnII
 ddel
 bspCNI
 hpy188I
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 TTAGGAGACA GTTTTAGACT CCATAAACTT TTATTAATAG GAGAATTGGA AGAGAAGGT CACTTGAAT ACCTTGTAAT TTAATTCATA

psiI tsp509I
 1301 ATTATAAAAA TTGTAAAACT ACTACTTTGT TTAGTTAGA ACAAGCTCA AAACACTTTT AGTTAACTTG GTCATCTGAT TTTATATTGC CTTATCCAAA
 TAATATTTTT AACATTTTGA TGATGAAACA AAATCAATCT TGTTCGAGT TTTGATGAAA TCAATTGAAC CAGTAGACTA AAATATAACG GAATAGGTTT

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pspGI

mvaI

ecoRII[dcm-]

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bstNI

bssKI[dcm-]

apyI[dcm+]

sexAI

hpy188III

ndeI maeIII

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apoI ddeI[M.aluI-] bstF5I

tsp509I[M.ecoRI-]

xmnI

ecoRI mboII

apoI ddeI[M.aluI-] bstF5I

asp700 aluI mslI foki

1401 GATGGGGAAA GTAAGTCCTG ACCAGGTGTT CCCACATATG CCTGTTACAG ATAACATACAT TAGGAATTCA TTCTTAGCTT CTTCATCTTT GTGTGGATGT

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tail

hgiAI/aspHI

bspI286

bsiHKAI rmaI ddeI

bstZ17I

bst1107I

accI

sfaNI

tsp509I

bpuAI

nlaIII bbsI

hpy188I

mboII

hpy188I maeII/hpyCH4IV

eco57I aflIII maeI bspC

mboII bmyI btrI bfaI mnlI

1501 GTATACCTTA CGCATCTTTC CTTTGTAGTA GAGAAATTAT GTGTCTCATG TGGTCTTCTG AAAATGGAAC ACCATTCTTC AGAGCACACG TCTAGCCCTC

CATATGAAT GCGTAGAAG GAAAACTCAT CTCTTTAATA CACACAGTAC ACCAGAAGAC TTTTACCTTG TGGTAAGAAG TCTCGTGTGC AGATCGGGAG

	bseRI	tthlIII/aspl
	mnlI	pIeI
	bseRI	pflFI
		mlyI
		hinFI
	bst4CI/hpyCH4III mnlI hpyCH4V	bsmAI bsmAI
1601	AGCAAAGACAG TTGTTTCTCC TCCTCCTGC ATATTTCCTA CTGGCGTCCA GCCTGAGTGA TAGAGTGAGA CTCGTGCTCA AAAAAAAGTA TCTCTAAATA	
	TCGTTCTGTC AACAAAGAGG AGGAGGAACG TATAAAGGAT GACGGGAGGT CGGACTCAGT ATCTCACTCT GAGACAGAGT TTTTTTTCAT AGAGATTAT	
	tru9I	tsp45I
	mseI	hphI
	tsp509I	tru9I maeIII
	psII smlI	mseI bstEII
1701	CAGGATTATA ATTTCGTCTT GAGTAGGTG TTAAGTACCT TGPATTAGA AAGATTTCAG ATTCAATTCCA TCCTCTTAGT TTTCTTTTAA GGTGACCCAT	ddeI
	GTCCTAATAT TAAAGACGAA CTCATACCAC AATTGATGGA ACATAAATCT TTCTAAAGTC TAAGTAAGGT AGAGGAATCA AAAGAAAATT CCACTGGGTA	
	ddeI[M.aluI-]	tsf45I
	aluI	rsal
	tspRI	maeIII
	nlaIII	tsp509I
1801	CTGTGATAAA AATATAGCTT AGTGCTAAAA TCAGTGTAAAC TTATACATGG CCTAAAATGT TTCTACAAAT TAGAGTTTGT CACTTATTCC ATTGTACCT	csp6I
	GACACTATTT TTATATCGAA TCACGATTTT AGTCACATG AATATGTACC GGATTTTACA AAGATGTTTA ATCTCAAACA GTGAATAAGG TAAACATGGA	

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mvaI
ecoRII[dcn-]
dsaV[dcn-]
bstNI
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mscI/balI[dcn-]
eaeI[dcn-]
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mvaI bssKI[dcn-]
ecoRII[dcn-] tsp45I
dsaV[dcn-] . maeIII
bstNI hinPI
bssKI[dcn-] tspRI
pleI bslI[dcn-] hhaI/cfoI
mlyI bsaJI apyI[dcn+]
hinfi apyI[dcn+] btsI
dclI bspCNI
1901 AAGAGAAAAA TAGGCTCAGT TAGAAAAGGA CTCCTGGCC AGGCGCAGTG ACTTACGCCT GTAATCTCAG CACTTTGGGA GGCCAAGGCA GGCAGATCAC
TTCTCTTTT ATCGGAGTCA ATCTTTTCTT GAGGACCGG TCCGGCTCAC TGAATGCGGA CATTAGAGTC GTGAACCCCT CCGTTCCGT CCGTCTAGTG
dclI bspCNI
styI cac8I
haeIII/palI
mnlI bsaJI
dclI bspCNI
mboI/nd
dclI bspCNI
bssS
hpy18
sau3AI

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[illegible]

